

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

In re: Subpoena No. 444921

Misc. No. 06-167 (HHK/JMF)

ORDER

This matter was referred to me for resolution of Kirk Callan Smith's ("Smith") Motion to Quash Subpoena, filed on April 18, 2006. By his motion, Smith moved to quash a subpoena *duces tecum* ordering him to appear before a Grand Jury in this Court on March 15, 2006 and to bring certain documents with him on the ground that the testimony and documents therein requested are protected by the attorney-client privilege.

Although Smith certified in his motion that service was made on the United States Attorney, no opposition has ever been filed. Accordingly, Smith's motion to quash will be deemed conceded and, therefore, will be granted ten business days from the date of this order unless the United States Attorney's Office elects to file an opposition showing cause why Smith's motion should not be so conceded and granted.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: